

**ALCOHOLIC BEVERAGE CONTROL
VOLUNTARY AGREEMENT**

RA: ABC lsh
rec'd. 9/15/99
App No. 50021

Premises Address: 1410 14th Street, N.W.
Application Number: 50021-99075P
License: Ret. CR-New
Roll Call Date: August 18, 1999
License Class: "CR"

~~DISCLAIMER~~

This Voluntary Agreement, is made this 15th day of September, 1999, by and between Advisory Neighborhood Commission 2F (hereinafter the "Protestant"), and 1410 Restaurant Corp., t/a Mar de Plata (hereinafter the "Applicant").

Applicant is seeking a class CR Restaurant Liquor License for 1410 14th Street, N.W., Washington, D.C., from the District of Columbia Alcoholic Beverage Control Board, (hereinafter the "Establishment"). The principal offices of the above parties to this Agreement are listed in the "Notices" section of this Agreement.

WITNESSETH

WHEREAS, the Applicant proposes to own and operate a family style restaurant to be known as Mar de Plata at 1410 14th Street, N.W., Washington, D.C.; and

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board (hereinafter the "ABC Board") is the Applicant's application number 50021-99075P, for a new C/R Liquor License for the Establishment; and

WHEREAS, the Advisory Neighborhood Commission 2F (hereinafter, "ANC 2F"), has

timely protested the issuance of the liquor license for Mar de Plata; and

WHEREAS, the parties to this Agreement have met and desire to resolve the protest in the manner hereinafter provided;

NOW THEREFORE, in consideration of the Establishment recited above and the covenants and promises set forth below, the parties agree as follows:

1. **RAT AND VERMIN CONTROL.** The Applicant shall provide rat and vermin control in its loading, unloading and trash dumpster areas.
2. **SECURITY WITHIN AND OUTSIDE THE ESTABLISHMENT.** The Applicant shall provide internal security until closing.
3. **CAPACITY.** The Applicant shall at all times adhere to the occupancy limit as established by the District of Columbia Fire Marshall, which is 68 at this time. At no time will the number of occupants be greater than the limit established by the D.C. Fire Marshall. It is understood that there will be no bar on the second floor of the Establishment. Applicant will not seek permission to establish seating outdoors of the rear of the Establishment.
4. **STAGING.** The Applicant shall stage the patrons waiting for seating inside, not outside the Establishment. The Establishment will take every action necessary to discourage outside loitering.

5. **STREET CLEANING.** The Applicant shall keep the sidewalks and tree boxes in front of the Establishment clean at all times, and the curbs free of trash.

6. **LOCATION OF TRASH DUMPSTERS.** The Applicant shall locate a trash dumpster in the rear parking lot of the Establishment.

7. **DELIVERIES.** Deliveries to the Establishment will not be scheduled before 7 a.m. or after 6 p.m.

8. **MUSIC AND DANCING.** There will be no dancing of any type at the Establishment, which is defined as the entire premises at 1410 14th Street. It is understood that background, taped music is to be allowed, with the specific understanding that the music will not be audible outside of the Establishment. If music can be heard outside the Establishment, this constitutes a breach of this Voluntary Agreement.

9. **SIGNAGE.** The Applicant will within ninety (90) days from the date of this Voluntary Agreement remove the existing sign and box and replace it with a sign that is in keeping with the Historic District. The Applicant will consult with the ANC regarding the type of sign to be erected at 1410 14th Street, N.W., Washington, D.C. Any sign shall conform to the D.C. Regulations governing Historic Districts.

10. **FIRE PROTECTION.** The Establishment shall obtain a certification from the Fire Marshall that it conforms to current building code regulations for protection of occupants

against fire.

11. **MENU.** The Applicant shall present a menu for the Establishment to the ABC Board with a copy to the Protestant two weeks prior to opening demonstrating that a full service kitchen has been installed.

12. **CLOSING TIME.** It is understood that the Establishment will close as follows:

A. Monday through Thursday, closing shall be at 1:00 A.M. and the bar shall close at 12:30 A.M. All patrons must leave the Establishment on or before 1:00 A.M.

B. Friday and Saturday, closing shall be at 2:00 A.M. and the bar shall close at 1:30 A.M. All patrons must leave the Establishment on or before 2:00 A.M.

13. **PARKING.** The Applicant shall make six (6) parking spaces in the rear of the Establishment available for customer parking.

14. **CONDITIONS OF LIQUOR LICENSE.** The Applicant will adhere to the conditions of the license for the Establishment herein contained, and it is understood that the provisions of this Voluntary Agreement shall become a part of the conditions of the license. Failure of the Applicant to correct any violations of the conditions of the license within thirty (30) days shall be just cause by the ABC Board to suspend or revoke the license.

15. **WITHDRAWAL OF PROTEST.** The Protestant hereby withdraws its protest of the Application and agrees to provide whatever further evidence of said withdrawal that may be required by the ABC Board.

16. **BINDING EFFECT.** This Voluntary Agreement shall be binding upon and enforceable against the successors and assigns of the Applicant during the term of the license to which the Voluntary Agreement applies.

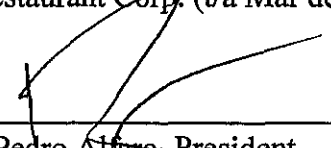
17. **NOTICES.** Any notices required to be made under this agreement shall be in writing and mailed by Certified Mail, or return receipt requested, postage prepaid, or hand delivered, to the other parties to this Agreement. Notice is deemed to be received upon mailing.

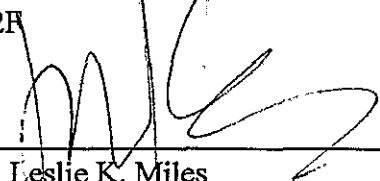
Notice is to be given as follows:

- a. If to the Applicant, to:
1410 Restaurant Corp.,
t/a Mar de Plata
1410 14th Street, N.W.
Washington, D.C. 20005
- b. If to the Protestant, one copy to:
ANC 2F
c/o Chair, Leslie Miles
1244 10th Street, N.W.
Washington, D.C. 20001

IN WITNESS WHEREOF, the parties have executed this Voluntary Agreement as of the day and year first above written.

1410 Restaurant Corp. (t/a Mar de Plata)

By: 
Pedro Alfaro, President

ANC 2F
By: 
Leslie K. Miles
Chair, ANC 2F

WITNESS: 

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of :

1410 Restaurant Corporation
t/a Mar de Plata

Application for a Retailer's License
CR – new
at premises
1410 – 14th Street, N.W.
Washington, D.C.

Case No. 50021-99075P

**Helen M. Kramer, Secretary, on behalf of Advisory Neighborhood Commission 2F,
Protestant**

Michael Levy, Esquire, on behalf of Applicant

**BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Allen Beach, Member
Ellen Oppenheimer, Esquire, Member
Max Salas, Member
Joseph Wright, Member**

ORDER ON WITHDRAWN PROTEST

The application, having been protested, came before the Board for public hearing on August 18, 1999, in accordance with D.C. Code Section 25-115(c)(5)(1999 Supp.), providing for the protestant to be heard. Helen M. Kramer, Secretary, Advisory Neighborhood Commission 2F, filed a timely protest letter, dated July 20, 1999.

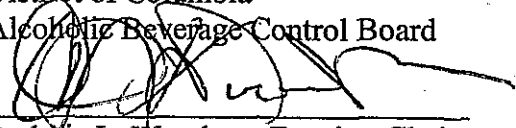
The official records of the Board reflect that the parties have now reached an agreement that has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement dated September 15, 1999, the protestant has agreed to withdraw the opposition, provided however, the Board's approval of the pending amendment to the application is conditioned.

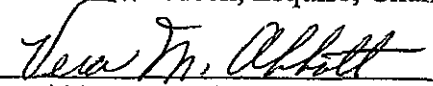
Accordingly, it is this 29th day of September 1999, **ORDERED** that:

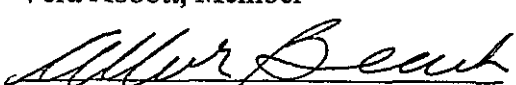
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t/a Mar de Plata
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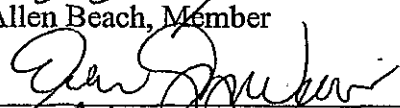
1. The protest of Helen M. Kramer, Secretary, Advisory Neighborhood Commission 2F, be, and the same hereby, is **WITHDRAWN**;
2. The application for 1410 Restaurant Corporation t/a Mar de Plata, 1410 – 14th Street, N.W., for a retailer's class CR license (new) at premises 1410 – 14th Street, N.W., Washington, D.C., be, and the same hereby, is **GRANTED**; and,
3. The above-referenced agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this **ORDER**;
4. Copies of this Order shall be sent to the Protestant and the Applicant.

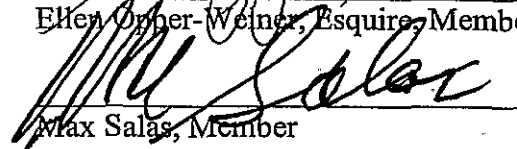
District of Columbia
Alcoholic Beverage Control Board


Roderic L. Woodson, Esquire, Chair


Vera Abbott, Member


Allen Beach, Member


Ellen Oppen-Weiner, Esquire, Member


Max Salas, Member

Joseph Wright